THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.27536 OF 2005

DATE: 17-08-2006

Between:

P.Ashok Reddy

. . .Petitioner

and

The Station House Officer, P.S. Gajwel,
Medak District and others

. . .Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.27536 OF 2005

O R A L O R D E R:

Writ petition is filed seeking the following relief:

> "declaring the action of the 2nd respondent in transferring the vehicle viz ESCORTS JCB 3d, EXCAVATOR LODES, bearing No.AP23-D/7243 in the name of the 4th respondent in the absence of original R.C. Book as well as the original owner of the said vehicle even as we being the successors of our late father who is the original owner of the subject vehicle as illegal, arbitrary, against to the Motor Vehicles Act, and void, while issuing a consequential direction to the 3rd respondent to explain how can it handed over the signed papers of my late father to the 4th respondent who has created the fake R.C. Book and succeeded in transferring our vehicle in his name, for which appropriate action may be taken against the respondents 2 to 4 and pass such other order or orders as are deemed fit and proper in the interest of justice."

Petitioner alleges that his father purchased the vehicle ESCORTS JCB 3d, EXCAVATOR LODES bearing Registration No.AP23-D/7243 in August, 2002 on obtaining a loan from third respondent – financier. According to the petitioner, the fourth respondent approached his father who orally agreed to give the

vehicle to the fourth respondent for plying the same on hire basis. The petitioner's father is alleged to have been murdered on 01.05.2004. Thereafter, the petitioner learnt that the fourth respondent has taken away the vehicle without informing the family. On the petitioner's enquiries, he learnt that the fourth respondent obtained blank signed papers from the third respondent, which were issued by the petitioner's father at the time of obtaining the vehicle loan and fabricated documentation on the blank signed papers and got transfer of the vehicle in his own name (fourth respondent) with the assistance of second respondent.

The second respondent has filed a counter-affidavit, which to the extent relevant and material for the purpose of the writ petition reads as under:

> " The brief facts of the case are that as per this Office records, the Vehicle JCB No.AP23D7243 was originally registered in the name of Sri P.Venkatram Reddy, S/o Chandra Reddy, R/o Pidched (v), Gajwel Mandal, Medak District on 26.09.2002 and HPA made with Citi Corporation Finance (India) Limited, 102, Lake Share Tower, Rajbhavan Road, Somajiguda, Hyderabad.
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> On 26.11.2005, one person has applied for HPT/DRC & T.O. along with the connected records. The records have been verified and noted HPT, issued DRC & noted Transfer of Ownership in four of Sri Bhaskar Reddy, S/o Papi Reddy, R/o Pidched (v), Gajwel Mandal, Medak District and on 02.12.2005 and the vehicle has HPA, made with Magma Leasing Limited, 6.3.1191, Brij Tarang, 2nd Floor, Flat No.E, Green Lands, Hyderabad.
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> In reply to the averments made in the Writ Petition, it is submitted that the vehicle bearing Registration No.AP23D7243 was registered on 26.09.2002 in favour of Sri P.Venkatram Reddy, S/o Chandra Reddy, R/o Pidched Village, Gajwel Mandal, Medak District, HPA made with CITI Corporation Finance, (India) Limited, 102, Lake Share Towner, Rajbhavan Road, Somajiguda, Hyderabad."

In view of the unequivocal denial of any irregularity by the second respondent in effecting the transfer of the vehicle in favour of the fourth respondent, no relief could be granted to the petitioner. If it is the petitioner's grievance that the transfer of the vehicle in favour of the fourth respondent was effected by the second respondent on the basis of fraudulent or forged documents, the appropriate remedy for the petitioner is to prefer a complaint before the jurisdictional police station and pursue prosecution of the concerned or to seek appropriate civil remedies before the civil Court of competent jurisdiction. The issues that arise from the competing assertions as to the validity of the documents on the basis of which the transfer was affected, do not fall for adjudication under Article 226 of the Constitution of India.

There are no merits and writ petition is accordingly dismissed. The petitioner is however at liberty to pursue appropriate alternative remedies. There shall be no order as to costs.

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(GODA RAGHURAM, J)

17th AUGUST, 2006

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